

LEGISLATIVE COUNCIL.

ORDER OF THE DAY

FRIDAY, 7TH JUNE, 1946.

GEORGETOWN ELECTRIC SUPPLY
(RESTRICTION) BILL.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

A Bill intituled "An Ordinance to authorise the Demerara Electric Company Limited to restrict the supply of Electricity to the inhabitants of Georgetown and its environs."

PRESENT

The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (Acting).

The Hon. the Attorney-General, Mr. F. W. Holder.

The Hon. E. G. Woolford, O.B.E., K.C. (New Amsterdam).

The Hon. C. V. Wight (Western Essequibo).

The Hon. J. I. de Aguiar (Central Demerara).

The Hon. H. N. Critchlow (Nominated)

The Hon. E. A. Luckhoo, O.B.E. (Eastern Berbice).

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

The Hon. Peer Bacchus (Western Berbice).

The Hon. H. C. Humphrys, K.C. (Eastern Demerara).

The Hon. J. W. Jackson, O.B.E. (Nominated).

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

The Hon. W. J. Raatgever (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 6th of June, 1946, as printed and circulated, were taken as read and confirmed.

The ATTORNEY-GENERAL: As hon. Members will see from the Objects and Reasons accompanying the Bill, the Demerara Electric Company, Ltd. is bound under the Georgetown Electric Supply Order, 1927, Article 20, to provide the owner or occupier of premises situate within fifty yards from their distributing mains with a supply of energy in accordance with the provisions of that Order. The Company also has contractual obligations to supply electric energy for industrial purposes. It has been ascertained that the Company's electrical system might at any time become unable to carry the full load of electrical energy demanded by consumers of both classes, which would endanger the general supply of the City or prejudice the safety of the plant. There has been a long waiting list of persons requesting to be supplied with electricity. The Company will be unable to instal new machinery to deal with the situation until, probably, the middle of the year 1947.

To provide against any possibility of an over-load being imposed on the Company's machinery and plant, it is expedient that the Company be prohibited from supplying electric energy to residential premises which were not being supplied with such energy prior to the commencement of the Ordinance, or to residential premises in excess of the maximum power being supplied at the commencement of the Ordinance. The Government Inspector is authorised, however, to require the Company to supply energy whenever he (the Inspector) considers that the Company's plant will not thereby be endangered or the general supply system prejudiced.

I would emphasize that such legislation now exists in the form of Defence Regulations, namely, the Defence (George-

town Electricity Restriction) (Amendment) Regulations, 1944, the operation of which has been preserved by the Defence Regulations (Supplies and Services) (Continuance) Order, 1946. The intention is to revoke those Defence Regulations as soon as the Ordinance has been passed.

I wish also to inform Members of this Council that the Demerara Electric Company, Ltd. have stated that, to the best of their knowledge based on information from the suppliers of equipment, it is anticipated that an additional plant and equipment would be in service approximately in March or April, 1947. That is the advice I have received from the Company within the last few days. As a matter of fact some equipment is already in the Colony to extend the building. I also wish to say that hon. Members may be assured that every effort is being made to hasten the installation of this equipment. Consequently, it would be appreciated that the Demerara Electric Company, Ltd. is not doing anything whereby the public would be prevented from getting electric current as soon as possible. In fact they have made every effort to obtain the necessary equipment. I think that gives hon. Members the picture in connection with this matter, and if there are any questions arising out of this Bill I would be pleased, in the course of the debate, to reply to them. With these observations I beg to move that this Bill be now read a second time.

The COLONIAL SECRETARY seconded.

Mr. C. V. WIGHT : I am supporting the Bill mainly in principle, because I think, notwithstanding the fact that the Company has found itself in this position through no fault of its own, it should be protected in such a case in view of the fact that there is a demand for electricity in the community, and we know that shortage of supplies has precluded it from obtaining them. It seems to me that we will be doing a gentlemanly and equitable act in allowing this Bill to proceed in order to give the Company cover. The only question is the matter of duration. We are told by the hon. the Attorney-General that the machinery will be installed in or around 1947. I am inclined at the moment

to see whether we should not fix a date for this Ordinance—the end of this year—after which, if it becomes necessary, and Government deems it advisable, its duration may be prolonged.

It happens that sometimes we feel that we are perhaps overstretching ourselves when we think that we are grasping at something to which we are not entitled. I personally feel it was a most ungracious act—an act which the Electric Company did not fully consider—when the Company decided to call upon the Town Council to pay for the supply of electricity of which they did not get the benefit. That is, however, past history. I do not think, in view of the action taken now by this Government, that the Electric Company can look back on that act with any particular favour or grace on its part. The Company did not supply the community with electricity but demanded payment. The Arbitrators decided that the Company should receive payment under a contract, yet the Company now comes to ask for protection of Government in the circumstances as now presented by the hon. Mover of the motion. Notwithstanding that, I think, we should be charitable enough to say to the Company "You made your mistake; perhaps you see nemesis setting in, yet we would be ungracious if we insisted on asking you to fulfil obligations in the supplying of light which, if called upon to do, you cannot do."

I would, however, like to add a rider to those remarks. I do not want to call particularly to mind any particular individual, but I can say that the present Manager of this concern, left to his own judgment, to his own discretion, would never have counteracted the action taken by the Electric Company a couple of years ago. I know personally he does his best. I know he is very helpful. I know he takes an interest in the community, and I do not think it can be said that, left to himself, he would not be only too willing to supply as much electricity to the community as he feels it deserves.

Mr. HUMPHRYS : I understood the hon. Member who has just taken his seat to say—I may be mistaken—the present position is due to the fault of the Electric Company. I, Sir, am in a position to know

far more about it than he does, or most of the Members of this Council. What I wish to say is this: So far as the Company is concerned, it is in no way to be blamed for the present position. It has done everything it possibly can. I will add this: I do not think the hon. Member should touch on the question of the arbitration proceedings, because he knows, as I do, it was rendered necessary on account of the position which then arose. It is unfair to suggest that, because of those proceedings, this is an act of grace on the part of the Government in so far as the Company is concerned. The Company, I know, is only too anxious to give electric supply to any consumer. The more the supply the more benefit it is to the Company. But the Company has to safeguard not only its plant but the City as a whole. The transformers are overloaded, and if the Company continues to give everyone a supply the result would be chaos. The Company has done all it can to get machinery, but owing to restriction and control it is unable to do so. Government is aware of that fact. It is unfair to suggest that anyone is to blame in asking Government to continue the restriction of electric supply in respect of ordinary consumers and consumers requiring power for industrial purposes.

In justice to that Company my learned friend, the hon. Member who has just taken his seat, should have added that at a very difficult time throughout the world, from 1939 to the close of the war, a very strenuous time, the Company carried on as it did very creditably. It may well have happened any time during the war that the Company's plant might have been unable to carry on, because the Company could not get spares. It was only by working day and night and because of a sincere desire to do all it could for the community that the Company continued to operate in the admirable way it did. I think that in asking for an extension of this law the Company is doing so in the best interest of the whole community, and I have been asked to assure this Council that the Company is only too willing and anxious to give all the power it can the moment it gets its new plant installed. I heard the hon. the Attorney-General say that that will be round or about March or April, 1947. Then

the Company will be in a position to supply electricity to everybody.

I may mention—the hon. Member who has just taken his seat is not aware of this fact—that the Company carried out all its obligations under the Ordinance—the Georgetown Electric Supply and Tramway Ordinance—but during the years 1939 to 1945 the maximum continuous supply had suddenly risen from 1840 to over 2850, an increase of 1010. That is over and above what the Company can supply, over and above the safety margin with the machinery it has at present, and which is all the machinery is required to supply under the Ordinance. The Company wants to extend the plant tremendously in order to take in the demand for more supply of electricity. It is hoped that the new machinery ordered and all necessary supplies will be forthcoming. I make that statement, because I have been asked to say that this Company is anxious and willing to do all it can to force on the installation of the new machinery at the earliest possible time, but given all the facilities the installation cannot be effected before March or April next year.

Mr. GONSALVES: The publication of this Bill appears to have raised a certain amount of fear among certain people as regards what is going to be the position in respect of the supply of electricity in this City and, as I see mentioned in the Press, there was a feeling that the Company was taking an undue advantage in the matter, and it was desired to know what was going to be the attitude of those Members of this Council who represent in this Council that part of the Colony which is being supplied with electricity by this Company. I think a good many of us must know about the difficulties of that Company during the past few years, and we know about the breakdowns that have taken place, due to the difficulty of replacement of machinery for the Power Station. I know, as the hon. Member for Western Essequibo has indicated, the position of the Company with the Town Council. We have had our bitter experience in regard to the arbitration proceedings, and we may as well say "Let bygones be bygones." There was a contract which provided for the settlement

of disputes by arbitration. It was unfortunate that the Town Council's arbitrator agreed with the Company's, and I have no grouse in the matter because it was our arbitrator who decided against us.

Mr. C. V. WIGHT: To a point of correction! He even mulcted the Council in cost on the higher scale.

Mr. GONSALVES: I have nothing to grumble about. I ask a man to judge my case and if he decides against me I must abide by his decision. I do not think we need discuss that now. I do feel that the supply of electricity in this City or any city should be encouraged as much as possible. I know, and most of us know, that in Georgetown there are lots of people who want electricity supplied to their houses. I know of several new houses, which have been erected, having to go for the present without a supply of electricity. With regard to this housing question, if this housing business is to improve between now and next year quite a few would have to go without electric light. What I hope for is this: Whilst this Bill prohibits the Company from supplying electricity for any purpose, the hon. Member for Western Essequibo knows that several applications have been made to the Town Council for the installation of small motors for doing work which, to my mind, is not of real necessity, because lots of them are about the town already. I rather see some savings made in the supply of electricity in that direction.

The PRESIDENT: Those little motors are used for industrial purposes. Possibly the hon. Member for Eastern Demerara was correct. The Company has no great trouble in dealing with those. The difficulty is, increased lighting at the same time at nights with the operation of those motors.

Mr. GONSALVES: If we can only believe that all the electricity supplied to these little motors for industrial purposes will be used only in the day and not in the evenings, it is all right, but most of us know that they are operated in the evenings as well. In granting the applications I do not think the Town Council restricted the use to the day only. There

may be one or two cases very recently. I know that several suffer no restriction in that direction. I am not one of those who, in spite of what is being said, feel that the Company should be made to suffer any difficulties at the moment in the way of getting its plant or Power Station improved. It is well known that there are difficulties in getting machinery. I know, and the hon. Member for Western Essequibo knows too, that we have our own experience in connection with the Pure Water Supply Scheme. We cannot get the machinery and materials necessary for it. Therefore, I think we should satisfy ourselves in waiting a little while because, as I see this Bill and as I understand from the discussion here, this is for a short period. It is not indefinite. It is only a matter of a few months—not quite twelve months starting from today. I cannot see myself that there can be any serious objection to the passing of this Bill. I do agree with the hon. Member for Western Essequibo that there should be a specific period. If it is not in the Bill it should be made clear that it is not to be encouraged for a longer period than is necessary.

Mr. LUCKHOO: I am not opposed to the principle of the Bill, but I do not think there is any necessity for its introduction, seeing that the Company is already protected by the Defence Regulations. Why encumber the Statute Book with another Ordinance to give protection for a few months? I do not see the necessity for that, unless we are not quite certain as to the period for which protection is required. Definite assurance has been given that the Company will be able to supply the required additional electric power around March or April next year. If that is so, then continue this Ordinance to that period, rather than to the end of the year, thus giving the Company every opportunity to put itself in order under the Electric Supply Ordinance. The Company is a commercial body and should know what is required by the public from the demands made and, I think, it is in its own interest to see that the work is carried through with the utmost expedition in order to meet the requirements in Georgetown. In New Amsterdam we boast of our own Electric plant. I am sorry Georgetown cannot do likewise. We have had our ups and

downs, and are seriously handicapped. An organization of such size and importance to this town should be able to comply with the needs and requirements of the population. I have no desire to embarrass the Company in any way, but I cannot see why it should not continue under the Defence Regulations if it is only for the short period of five or six months. Unless the time is not clearly known, or Government has in mind that a long period is required, there is then necessity to have an Ordinance, because I see from the last clause of the Bill it is stated :

"This Ordinance shall cease to operate and to have any effect upon such date as the Governor may by Proclamation published in the Gazette appoint."

That seems to be too vague. It does not give any idea as to the time. Therefore, I think this Council is entitled to allow the Company to carry on under the present conditions.

The ATTORNEY-GENERAL : With regard to the point raised by the last speaker, the reason that the last clause is put in that form is because one cannot in these days speak with any degree of definiteness as to when the equipment or machinery will be supplied. Consequently, as soon as Government is satisfied that the Electric Company has installed its equipment and is in a position to extend the service to the possible consumers, that clause will come into play, and the Governor by proclamation published in the Gazette will withdraw the Ordinance. It will be appreciated that it has to be put in some such form. If it is limited to a specific date and for one reason or another in these days of quickly changing conditions the suppliers are unable to supply the machinery, then one would have to follow another course and come back to the Council again for another Order or an extension of the Ordinance, or something like that. If the Council agrees with the principle that the Electric Company for the time being, owing to the difficulties in obtaining supplies and in meeting the requirements of the public, is unable to supply the required power then this Council says: well so far as the Order under which the Company works, the 1927 Order, the Company will not be required to meet all the demands made upon it

immediately. In those circumstances the Bill can be given its second reading.

The question of the duration of the Ordinance should be left for the decision of Government. On being satisfied that the machinery is installed, Government would by proclamation bring the Ordinance to an end. I think that is a fair and reasonable approach to the whole question. The Company is a commercial undertaking; it is utilitarian but it is not run for its health. Consequently, it will do its best to get all the equipment so as to get as many consumers as it possibly can so as to have the best possible balance sheet. It is not a question of trying to prevent the public from getting service. It is due to the war and the conditions prevailing in England and other parts of the world where, during the war years, efforts had to be devoted to winning the war. Now that the war is over it must be realized that we are facing the difficulties of the post-war world. We cannot get back into the easy way of life just by waving a wand.

Towards the end of last year or early this year, when it became known that the Emergency Defence Regulations would be abolished on the 23rd of February, the Company made every effort to meet the difficulties with which it would be faced when those Regulations were removed, and asked that an Ordinance should take the place of those Regulations until such time as it was in a position to serve the public. In the place of the Defence (Georgetown Electricity Restrictions) Regulations we have now the Defence Regulations (Supplies and Services) (Continuance) Order, 1946, but this Bill was in draft before that Order came forward. Having regard to all the circumstances, I think it is desirable that we should have an Ordinance so that the public might know exactly what the position is. It is an extraordinary procedure due to the war, and the Company was allowed to depart from the terms and conditions of the Georgetown Electric Supply Ordinance and the Electric Supply Order, 1927, made thereunder. We are only putting on the same level the legislation which removes from the Company the responsibility of supplying every present or possible consumer who makes application

for the supply of electricity. That is the position in a nutshell.

The hon. Member for Eastern Demerara (Mr. Humphrys) has already dealt with the other point as to the Company's desire to do everything possible to serve the public, and I do not wish to emphasize that again. I only wish to remind hon. Members that the Company itself says that, to the best of its knowledge based on information from the suppliers of electrical equipment, it anticipates that additional plant and equipment will be in service by approximately March, 1947.

The answer to the other point is that the cessation of this Ordinance is being left to the Governor to determine by proclamation, because we do not know exactly when the Company will be in a position to meet all of its demands. If it is left to the Governor it means that Government will satisfy itself as to the Company's capacity to serve the public before the cessation of the Ordinance is proclaimed.

The PRESIDENT: I would like to say in amplification of what the hon. Member for Eastern Demerara (Mr. Humphrys) and the Attorney-General have said, that I am well aware of the difficulties of the Company. Since I have been Colonial Secretary, I have been in the closest touch with the Company and I know of their efforts to get machinery. There is really no foundation for the suggestion that the fault lies with the Company. I have the best possible knowledge of the subject. In fact I myself have written the Company because, originally, they asked for permission to construct bulk oil storage on their present site, and I said there were grave difficulties about that, and although a decision was reached on that particular question they could not place an order for machinery because there was no good bringing out machinery if they had not bulk oil storage to feed it. In spite of war controls and difficulties, the Company did their very best, and they know that Government did its very best too.

As regards the question raised by the hon. Member for Eastern Berbice (Mr. E. A. Luckhoo), it seems to me that Government is usually attacked for using Defence Regulations instead of having proper legis-

lation passed by this Council. It is unusual for a Member of Council to attack Government for not using Defence Regulations. I think in a matter of this kind it is better to have it on the Statute Book.

As regards the question of the limitation of the Ordinance, I would ask Members not to press Government to give a date for the cessation of the Ordinance. The Attorney-General has said very truly that no one can tell for certain now when the Company's machinery will arrive. It is in the interest of the Company to get that machinery, and in the interest of Government to repeal this law as soon as it can. I therefore ask the Council to leave the matter to the good faith of Government. I cannot advise that this Council should fix a date for the cessation of the Ordinance.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

The Council resolved itself into Committee to consider the Bill clause by clause.

Clause 5.— *Restriction of the use of commercial electric motors.*

Mr. C. V. WIGHT: The hon. Member for Georgetown South (Mr. Gonsalves) mentioned the fact that there are a few industrial electric motors in operation in the City. While I am a strong supporter of individuals who, either as a hobby or as a means of increasing their income, use electric motors, I must view the matter from the other side of the picture—that the Electric Co. should discourage as much as possible such activity when they know, and we know, that there are several habitable houses in the City, and in some cases new houses, which cannot be supplied with power for ordinary lighting. It therefore seems to me necessary that this industrial activity should be curtailed, and I think the Electrical Inspector should be a little more vigilant. From my experience on the Georgetown Town Council I do not think the Inspector has been vigilant, because in view of the number of applications received it is obvious that the use of these electric motors is on the increase. In fact

the Town Council has under consideration at the moment the question whether the installation of these motors should not be curtailed, and it is placing the Council in a most invidious position.

I suppose that for logical reasons I will have to support this clause, but I would ask Government to give directions that the matter be carefully investigated, and that a monthly report be submitted to Government by the Electrical Inspector to show whether there is any increase in this activity. I hope the Executive Council will have the benefit of seeing such monthly reports.

The CHAIRMAN : I would like to say in answer to the remarks of the last speaker, that he knows as well as I do that the Electrical Inspectors' staff has been very badly depleted, but now that we have one Inspector back from the Army I hope that the work of the staff will be greatly improved. I cannot promise monthly reports but I will promise that the remarks of the hon. Member will be brought to the notice of the Department.

Mr. GONSALVES : I am not sure whether this clause would not make the position worse than it is at present. I mentioned just now that there are electric motors being used at night in the City. This clause says that they shall not be used between 6 p.m. and 10 p.m., which leaves it open for them to be run after 10 o'clock at night, in which case they would be a far greater nuisance. It is far better to have them running up to 10 p.m. than later.

The CHAIRMAN : I think the reason is that up to 10 p.m. the Company's load is at its peak. It does not matter to the Company whether you sleep or not. It is between 6 p.m. and 10 p.m. that the danger of overload lies.

Mr. GONSALVES : A few moments ago I was sympathetic with the Company, and I am now sympathetic with those people who live alongside these electric motors. I am not prepared to encourage any provision in the law which would permit the owners of these electric motors to tell me or the Town Council that they are allowed

to run them after 10 p.m. until 5 o'clock in the morning.

The CHAIRMAN : You have your remedy. You can take action against the owner for creating a nuisance.

Mr. GONSALVES : That is quite easily said, and I have said it myself in this Council, but it is quite a different matter; it means litigation. Of course members of my profession get a helping hand from people who desire to go to Court, and I am not going to do anything to stop that, because that is what we are there for. I was asking my friend on my right whether it would create any difficulty if we extended those hours.

The ATTORNEY-GENERAL : The Defence Regulations contain this provision. As Members have heard, it is hoped that the Company will have their machinery early in 1947, and that everything will be going well. These conditions have been operating since the 8th of May, 1944. If there is no ground on which the hon. Member is basing his objection, I would suggest that we carry on as before.

Mr. GONSALVES : In the Town Council we have had objections lodged from time to time against applications for permission to use these electric motors in the City. People complain that they create a nuisance.

Mr. C. V. WIGHT : The hon. the Attorney-General will appreciate the fact that this clause refers to commercial enterprises. We know, or at least we have good reason to suspect, that most of these electric motors are used in connection with wood-working machines. The applicants usually describe their operations as a hobby. How are we going to stop those gentlemen riding their hobby horses under this clause? They are going to ride their hobby horses under a commercial enterprise. That is what I think the hon. Member for Georgetown South (Mr. Gonsalves) was really getting at.

Mr. HUMPHREYS : I am thoroughly sympathetic with those residents who have one of these electric motors buzzing next door after 10 o'clock at night, but under

this Bill, the Inspector has the power to prohibit its use between 6 p.m. and 10 p.m. When this Ordinance ceases to be in operation Government will not have any power to stop it at all. When the Company is able to supply electricity in full these motors can only be stopped by injunction.

Mr. WIGHT : I do not agree with the hon. Member because he knows fully well that in such a case, after the Ordinance has expired, one would have only a right of restraint by way of injunction. That does not apply now. We are giving a legal right which should be protected.

Mr. HUMPHRYS : The hon. Member is wrong. If a man continues to use his electric motor after 10 o'clock at night there is still the same right to bring injunction proceedings against him. This clause does not prohibit injunction proceedings in the case of a nuisance.

The CHAIRMAN : This Bill which we are debating now is really to protect the Company against having to supply more electricity than they can generate. The Company have told us that the danger hours are between 6 and 10 p.m. We are not discussing the comfort of citizens of Georgetown, but the protection of the Company, and I would suggest to hon. Members to allow the hours mentioned in the clause to remain for six months, after which we might put in some more general provision for the convenience of the public. The point raised is not really relevant to the policy in this Bill.

Mr. LUCKHOO : I agree with your remarks, sir. In New Amsterdam we were faced with the same difficulty. The machinery of the power plant was worn out and obsolete, and in order to keep private residences supplied with light we had to cut off the street lights during certain hours.

The CHAIRMAN : Does the hon. Member wish to press that amendment of the hours, or will he let it go? It is not really very important.

Mr. WIGHT : I have just brought it to light in the hope that Government would

take the necessary administrative action which would help the Town Council.

Clause 5 agreed to.

Clause 7.—*Duration of Ordinance.*

Mr. WIGHT : I think this Ordinance should be brought up for review by this Council on the 31st December, 1946, so that if there is anything wrong about it we would be able to say a few words on it. It seems to me that the Council will not be in the same reasonable and responsive frame of mind in which it happens to be today. I think it is advisable that the operation of the Ordinance should be limited, so as to make it necessary for it to be brought before the Council for renewal. I do not think the Attorney-General's office is so overburdened that they cannot scribble a few lines for the purpose of renewing this Ordinance. I think it would avoid quite a lot of criticism if a date were fixed, and I would suggest that the 31st December, 1946, be inserted in this clause.

The CHAIRMAN : I disagree with the insertion of a date.

Mr. GONSALVES : I suggest that the clause be amended by the insertion of the words "on the 30th April, 1947, or such further date."

The CHAIRMAN : I agree with that.

The ATTORNEY-GENERAL : There is no objection to that, but is it necessary to include the word "further?" I think "other date" would cover it.

Mr. GONSALVES : I accept that suggestion.

The CHAIRMAN : I consider that a very good compromise.

Clause 7, as amended, agreed to.

The Council resumed.

The ATTORNEY-GENERAL : In view of the fact that there have been amendments to the Bill, I ask leave to move the suspension of the Standing Orders in order to be able to move its third reading.

Mr. WOOLFORD seconded.

Question put, and agreed to.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read a third time and passed.

MITCHELL TRUST (AMENDMENT)
BILL.

A Bill intituled "An Ordinance to amend the Mitchell Trust Ordinance, 1937, with respect to the number of the beneficiaries and vacancies therein."

The ATTORNEY-GENERAL: As will be seen from the Objects and Reasons accompanying the Bill, clause 2 makes provision for notices to be given by the Secretary to the Mitchell Fund Trustees in the case of a vacancy occurring amongst the beneficiaries. Perhaps some hon. Members are very familiar with the provisions of this Mitchell Trust. I believe some years ago the matter had to go before the Supreme Court for the purpose of dealing with the Trust. I may mention that in section 3 (1) of the Mitchell Trust Ordinance, No. 30 of 1937, it is provided that one of the Trustees shall be the person for the time being holding or acting in the office of Colonial Secretary.

The late Walter Mitchell died at Georgetown in 1862 and by his will directed that after the lapse of fifteen years from the date of his death the whole of his residuary estate was to be at the disposal of the Legislature for the purpose of founding a church college or other charitable institution in this Colony. As the Legislature at that time considered the sum insufficient for that purpose it was decided to use it for the award of scholarships based on the results of the Cambridge Examination. Doubts arose as to the propriety of that form of award, and by a resolution in 1934 the Legislature approved of an application being made to the Supreme Court for an interpretation of the bequest.

The judgment of the Chief Justice in the matter was that the income from the estate was insufficient to form or found a church college or other charitable institution and the Cy-pres doctrine should be invoked, and as the arrangements for giving effect to the bequest were left to the disposal of the Legislature it was competent for the Legislature to formulate, subject to the conditions of eligibility as laid down in the decision, a scheme for the maintenance and education of orphans and half-orphans. To give effect to this decision of the Chief Justice the Legislative Council passed the Mitchell Trust Ordinance, No. 30 of 1937. In the preamble of that Ordinance hon. Members will see all the points to which I have referred expressed.

Section 3 of the Ordinance deals with the vesting of the estate in a committee of the Legislative Council to be styled "The Mitchell Fund Trustees" consisting of the Colonial Secretary and two other Members of the Legislative Council appointed by the Governor. Sections 10 and 11 deal with the selection of six orphans or half-orphans between the ages of five and sixteen years, preference being given to the poorest and most needy. Section 12 provides that the Trustees shall pay to the parent or guardian of each beneficiary or to some other person selected by the Trustees for the purpose the sum of \$120 per annum until the beneficiary has attained the age of sixteen years.

Certain matters were discussed by the Trustees early this year, among them — the question of filling vacancies with regard to the principle of increasing the number of beneficiaries from six to nine and also the draft Bill which is now before hon. Members as their final decision. The Trustees agreed that now that the funds are in a better condition they should have the privilege or power to increase the number of scholarships from six to nine or whatever number the funds can stand. Clause 3 of the Bill before hon. Members empowers the Trustees to increase the number of the beneficiaries, where the annual income of the estate is sufficient for the purpose. The Trustees have also suggested clause 4 of the Bill. It gives the Trustees discretion to utilize any funds over and above the required

amount for six beneficiaries for the purpose of giving a number of scholarships. I think this will commend itself to Members because it means utilizing the fund to the full benefit and is in keeping with the spirit of the will of the Founder. I beg to move that the Bill be now read a second time.

Mr. WOOLFORD : I second the motion for the suggested change and I do so with a great deal of diffidence. The late Mr. Mitchell who established this foundation had one object in view. He was a clerk at one time in the Colonial Bank in this Colony. He was a native of and had the greatest interest in the natives of this Colony. The aim he had in view was to help the poorest and most necessitous of our children, irrespective of their sex, or colour, or birth. By some strange circumstances, which I hope will never be repeated and which I have risen to point out, the aim and object of that generous benefaction of his has never been fulfilled. The total sum of the foundation is somewhere in the vicinity of £7,000 or £8,000, and under the provisions of the present Ordinance the benefits are distributed by selection to six children, but prior to the enactment of the Ordinance the Government Regulations prescribed that this charitable bequest should be awarded to one or more scholars who had attained a certain educational qualification. We know that for many years the sons of persons, who were in a position to afford to send their children to school and to maintain them, became the objects of the benefaction from the estate. I happened to be present in the Council and then took exception to the manner in which the Trust had been administered contrary to the directions of the Testator under his will, and I have risen today to warn the Trustees against the continuance of their present aim in extending the number of beneficiaries for the one and only reason that some day or another in the future other persons similarly minded to Mr. Mitchell might bequeath a sum of money for the formation of some much needed institution in the Colony for the benefit of the children of the poor classes. To have

the beneficiaries distributed all over the Colony and to give \$10 per month to the parents or guardians for their maintenance and education is not carrying out the intention of the Testator, whose idea was to establish in this Colony an institution similar to that of the De Saffon Institution which he had in mind at the time of the making of his will and so declared in the provisions of his Will. That was once an institution, some Members will remember, in which both boys and girls were cared for, maintained and educated in the same building. I refer to the De Saffon Institution. It became necessary for the two sexes to be separated, but the institution lived on for some years in separate buildings and we now find the beneficiaries distributed all over the Colony and not living under the same roof but receiving a far larger benefit than those of the Mitchell Trust. What De Saffon and Mitchell had in their minds was the perpetuation of something that they thought would live. There is now no institution that you can point to and say that is the De Saffon Institution. There is no institution one can point to and say that is the Mitchell Foundation. I, who am becoming an old man now, feel that I should before I retire from this Council make a plea to those inhabitants, who are in a position to do so and who have acquired large sums of money and have benefited by their being citizens of this Colony, to follow De Saffon's and Mitchell's example. Many persons have since their day left large estates but have never thought it their duty to subscribe one cent to public charity. There are occasions when you find small legacies being left to the Church. With the exception of Mr. Hicken of Barbice, who bequeathed a legacy to establish a wing at the Public Hospital in New Amsterdam, Mr. Trotman, the late W. A. E. Bratt and Robert Strang, both planters, and the two other gentlemen to whom I have referred, no other individual has thought it right and proper that he should out of his wealth create some benefaction by way of bequest or otherwise for the good of the poor people of this Colony. If you allow these institutions, as in the case of the De Saffon Institution, to die and you fail to create another such as Mitchell had

in view, there would not be anything to point to as the living witnesses of what is something that really ought to be perpetuated in this Colony. If you allow the idea behind a Testator's mind to be forgotten in this Colony in the manner in which we are now trying to distribute the benefactions here and there, you would never be lending any encouragement to others to follow their example such as we know, for instance, has happened in the Islands of Barbados and Jamaica. I know a person, who is reputed to have left half a million quite recently in this Colony but has made no charitable provision under his will of any kind whatever.

In principle, therefore, I am opposed to increasing the number of beneficiaries. It is a matter of opinion. I would prefer to see the number limited in order that the child benefiting might, as a result of the kindness shown to him and his receiving a better form of education, become a person who would himself reflect in his own life the idea which Mitchell has created for him, and, if he does become a rich man, might show his gratitude to the memory of his benefactor as to himself make a similar bequest. But you are not doing this by the proposal under review. You are here trying to extend the number of beneficiaries from the six limited by the Ordinance to a larger number. The Trustees imagine this proposal confers a greater benefit on a larger number of children, but that is open to question whether this is advisable.

The hon. and learned the Attorney-General referred to the Principal Ordinance. I say with very great respect that I have had myself the greatest difficulty in finding the Principal Ordinance. I had to leave my seat and ask the Janitor to find me a copy. I had before to call the attention of the President, as Colonial Secretary of the Colony, to the disgraceful state in which our laws are. You are amending laws from day to day. There is hardly a single Ordinance where you do not get this kind of amendment—"Section so-and-so of the Principal Ordinance is hereby amended by the insertion of so-and-so." Members are required sometimes on the spur of the moment to look somewhere in this room for an Ordinance

with no written annotation made on them and to understand what is being proposed. Members also know that sometimes you see the proposed amendment for the first time when it is laid on the table. The point I am making is that there should be a sufficient number of copies of the Ordinances in this Chamber properly annotated to allow Members to compare the original Ordinance with the proposed amendment.

If you look at the Ordinance passed in 1937 and the sections it is proposed to amend, section 11 restricted the beneficiaries to six. My point about that is you have to take a decision now. You cannot go on extending the number from six to nine because the income of the fund allows you. I had the greatest trouble, when it became necessary to do so prior to the enactment of the Ordinance, to find out who Mr. Mitchell was. It was I who made the investigation. I might mention that it was discovered that he was a member of the race to which I belong. That may not be known to many people. He had deprived himself of a good many creature comforts to establish the fund he died possessed of. His aim and object, as his will said—it is well to remember the words given in the preamble of the Ordinance to be found on page 165—is: "After the lapse of fifteen years from the date of his death the whole of his residuary estate was to be at the disposal of the Legislature of the Colony in order to form or found a church college or other charitable institution in this Colony similar to the Saffon Establishment though not with the same exclusion but under similar rules for such purpose appointing the Legislature his residuary heir..." He did so in order that the fund should accumulate.

The whole of his residuary estate was put at the disposal of the Legislative Council of this Colony in order to form or found a church college or other charitable institution similar to the Saffon Establishment though not with the same exclusion. We have no church college here. A fund of this kind might have been given to the particular body to which he belonged and they might have been able with the fund at their disposal to found one. I think we should now make up our minds to merge this fund with that of the Saffon Trust and

the two funds might be devoted towards the purchase or erection and maintenance of a real live institution, such a one as Mr. Mitchell had in mind—a church college or some other permanent charitable institution.

The PRESIDENT: I would be grateful for an elucidation. I was under the impression that the Bill was prepared by the Attorney-General in consultation with the last speaker, and I understood the last speaker was seconding the Bill. I am not clear now what is the position.

Mr. WOOLFORD: I have seconded the Bill and will not do anything to prevent its second reading being taken, but I am just warning the Trustees not to overlook the purpose the testator had in view. Are you carrying out this proposal when the limited amount of capital only provides for the education and maintenance of six beneficiaries? You are seeking to extend the benefits of the Trust to a greater number.

The PRESIDENT: The hon. Member has pointed out a difficulty in the Bill we are introducing. I do not see any use our going on. We will withdraw it and bring another one. When I saw this Bill on the agenda I asked whether there was any necessity for hurrying it as we had so many urgent matters to deal with, and I was told it was urgent and was being pressed for. It does not seem to me that the Bill is correct. It does not seem to carry out the will of Mr. Mitchell, as the hon. Member pointed out.

The ATTORNEY-GENERAL: The hon. Member did not point out a difficulty but suggested that the Trustees themselves should exercise the greatest possible care in regard to the funds which they are administering. The Trustees feel, so far as their advice appears on paper, that the money which they have from the Trust has increased to such an extent that they would not be carrying out the Trust as provided by the decision of the Chief Justice, a should increase the number of beneficiaries so as to give the full benefits of the trust to those who are poor and needy, in the way contemplated by the late Mr. Mitc

when he made the bequest. As I understood the hon. the Deputy President, he was only giving a note of warning to the Trustees that they should exercise care when they come to the question of increasing the number of beneficiaries; because the Bill is so drafted that it carries out what the Trustees want.

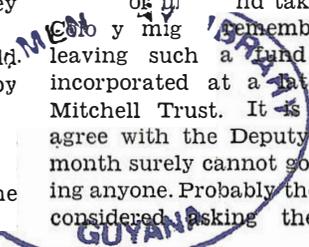
The PRESIDENT: One of the objects of the Bill is to increase the number of beneficiaries, and the Deputy President who has studied the subject minutely has said that is one thing we should not do.

Dr. SINGH: Put in a nutshell, what we are asking for is this: Here you have this sum of money benefiting about six children. The money has accumulated. What are we to do? We are asking that we be allowed to extend the number of beneficiaries so as to spread the benefits to a larger number, to eight or ten instead of limiting the number to six.

The PRESIDENT: The Deputy President has brought up such an important point of principle that the Bill seems to want recasting. If hon. Members want to go on, it is not for me to say.

The ATTORNEY-GENERAL: Your Excellency, I take it that the Trustees themselves have in mind the giving of the greatest possible benefits to the larger number rather than sitting down on the accumulated funds over and above the requirements for the purpose of the present six as provided in the Principal Ordinance. That is the reason for their recommendations.

Mr. C. V. WIGHT: As one who is fast approaching the age of the hon. Member on my right (Mr. Woolford) I agree with some of the remarks he made. He suggested the amalgamation of the Mitchell and the Saffon Trusts in order to extend the benefits. I will go a little further and suggest that those persons who have or who have taken them out of the Colony might remember this Colony by leaving such a fund which might be incorporated at a later stage with the Mitchell Trust. It is quite true, and I agree with the Deputy President, \$10 per month surely cannot go very far in educating anyone. Probably the Trustees may have considered asking the Council or the



Government to increase the amount by which each of the beneficiaries will benefit.

With regard to another point the hon. Member made with which I am also in agreement, perhaps it may be worthwhile of consideration by Government. When amendments to these Ordinances are being put forward, as in this case, the original Ordinance may be repealed and re-enacted as a whole with the amendments. I quite agree with the hon. Member. It is rather difficult, especially to those who have to practise in the Courts, to have to read the 1944 Ordinance and collate ten different amendments to the Ordinance. Opportunity may be taken with each amendment of the Ordinance to repeal the whole Ordinance and re-enact it so that the Statute Book may appear in some sort of unified form.

The ATTORNEY-GENERAL: So far as section 12 is concerned I would just point out to hon. Members that it says:

"The Trustees shall pay to the parent or guardian of each beneficiary or to some other person selected by the Trustees for the purpose the sum of one hundred and twenty dollars per annum until the beneficiary shall attain the age of sixteen years or shall cease to be a beneficiary."

Accordingly, it seems that the Trustees have been carrying out that part of their obligation in respect of the payment of \$120 per annum, but in respect of the accumulation of certain funds over and above the expenditure in connection with the Fund they have approached the question from the point of view of extending that principle of payment of \$120 per annum to a few more beneficiaries. All they are asking, I take it, is that provision be made by way of amendment to enable them to pay over and above the benefit as provided in the Ordinance. They desire to pay to beneficiaries not exceeding nine the same amount as is provided by section 12. The hon. Member on my left (Mr. Woolford) approaches the question from a different point of view altogether, and what he is saying is: "Do not increase the number of beneficiaries at all, but take your accumulated funds and increase the amount now payable under the law to the

beneficiaries." The Trustees who are charged with it take the other point of view.

The PRESIDENT: I am really amazed. It is really new to me. I do not know what we are introducing.

Mr. LEE: I would like to inquire whether the Trust provides only for six beneficiaries, or the Trustees are allowed to use their discretion?

The PRESIDENT: I wish to correct my statement that I had not been consulted in the matter. I was consulted, but I had no recollection of it until now.

The ATTORNEY-GENERAL: I think we ought to get the views of Members so that I can make the necessary amendments.

Mr. LUCKHOO: I think a better course would be to defer consideration of the Bill, and in the meantime the Attorney-General, with the help of the hon. Member for New Amsterdam (Mr. Woolford) might make an appeal to the public for contributions to augment the fund.

Mr. de AGUIAR: I would like to invite Government's attention to the fact that prior to the introduction of the Bill in 1937 a Select Committee was appointed, of which the hon. Member for Western Berbice (Mr. Peer Bacchus) and the hon. Member for Georgetown South (Mr. Gonsalves) were members. There was a good deal of controversy as to whether the number of beneficiaries should be six or ten, and it was ultimately agreed that there should be six. There may be very strong reasons for leaving the number at six.

The PRESIDENT: If Members are agreeable I would defer the Bill for further consideration.

The ATTORNEY-GENERAL: I desire to thank hon. Members for the views they have expressed.

The Bill was deferred for further consideration.

MINING (CONSOLIDATION)
(AMENDMENT) BILL, 1946.

A Bill intituled "An Ordinance to amend the Mining (Consolidation) Ordinance for the purpose of requiring the consent of the Commissioner to transfers of concessions, leases and licences granted under that Ordinance."

The ATTORNEY-GENERAL: The object of the Bill is to provide safeguards against the transfer to undesirable persons of concessions, leases and licences granted under the Mining (Consolidation) Ordinance, Chapter 175. Adequate power is already vested in the Governor to refuse to grant a concession or lease for any reason he may think proper, or to order that a licence shall not be issued under the Ordinance. But the holders of concessions, leases and licences, once they have been vested with the interests, may transfer them to other persons who are considered undesirable. Undesirable persons may also procure other persons to obtain concessions, etc., and afterwards take in their favour a transfer of, or secure equitable interests in, these mining rights. In the interests of the public and the mining industry it is considered expedient to prevent wild speculation and fraudulent operations in connection with mining claims and concessions.

It is proposed to add a new sub-section (2) to section 29 of the Principal Ordinance to read

" (2) No concession or lease, or interest therein, shall be transferred by the holder thereof to any other person, and no right, title or interest, legal or equitable, shall be created in any concession or lease by the holder thereof in favour of any other person, without the consent in writing of the Commissioner first had and obtained, and any transfer of, or creation of a right, title or interest in, any concession or lease made contrary to this subsection shall for all purposes be absolutely void."

The power is being given to the Commissioner, because he is the person who has to deal with these matters; therefore, if there is any suggestion of a transfer, the Commissioner's consent must first be obtained.

Then there is an amendment of section 34 of the Principal Ordinance which provides for a new sub-section (4) which reads:

" (4) No licence shall be transferred by the holder thereof to any other person, and no right, title or interest, legal or equitable, shall be created in any licence by the holder thereof in favour of any other person without the consent in writing of the Commissioner first had and obtained, and any transfer of, or creation of a right, title or interest in, any licence made contrary to this subsection shall for all purposes be absolutely void."

In this case, before any transfer takes place, the transferor will have to inform the Commissioner and obtain his permission in writing. That, it is hoped, will provide adequate safeguards in matters of this sort. As Members are aware, there is a great deal of interest at the present time in the mining possibilities of the Colony. Consequently, some such safeguard as this is very desirable. I formally move that the Bill be read a second time. I understand that the hon. Member for New Amsterdam (Mr. Woolford) desires to make some observations.

Mr. WOOLFORD: As the hon. the Attorney-General has anticipated, I have risen to ask whether, in the opinion of Government, it is considered that this feeble and ineffective Bill will have the desired result? It is well known, as the Attorney-General has said, that there is a considerable amount of mining activity in this Colony, and I welcome it, but I do desire to say that in my view—and I have a fair knowledge of what is going on—this Colony's good name and reputation in mining circles is going to be very seriously challenged. I do not know how many Members of this Council, or indeed of our community, know what a prospectus is. I had a firm acquaintance with such a document 50 years ago. There are prospectuses and prospectuses but I had never had the pleasure — it would give me an infinite amount of pleasure—although I have been trying to do so, to inspect some of those prospectuses of companies formed in Wisconsin and such far distant places, which are attempting to conduct mining operations in this Colony.

I have heard that there is enormous

capital afloat, but up to the present my information about some of them is that I am more than fully persuaded that the unwary shareholders in the Dominion of Canada and other places, and some prospective shareholders in this Colony, will never see their money again. Allowing that we have vast mineral wealth, our country is a difficult one, and I have it in my mind that a good many people are being deceived into the belief that some of these companies are genuine. Shares are being hawked in the public streets of the Colony. Of course I am indulging in an exaggeration; we have no Stock Exchange, and people are buying shares in public places without any regard to what is happening. The day is going to come when those people abroad who do not know what is being done by those who are responsible for the formation of those companies, are going to have a very sorry awakening.

I will give an idea of what is happening. I am not going to mention the company's name, but the whole object of the Bill is to prevent the transfer of some of these concessions or leases to other persons who may be undesirable, though I doubt whether the greatest care is being taken to examine the credentials of some of those people to whom concessions have been already granted. When I go to the Registrar's Office and inspect the Companies Register I find that there has been no compliance with section 247 of the Companies Ordinance, without which they should not be allowed to do business in this Colony. I found in the case of one company at least, that the last thing heard about them was in 1942. They do not appear to have respected the Companies Ordinance. I looked up the Register to see if I knew anybody. I knew a few; I have seen some of those gentlemen here but they have decamped. To my knowledge they have disappeared, and no one knows their whereabouts, but others are coming in their places.

I dislike intensely the slightest encouragement being given to these people. What is the good of limiting or hindering the transfer of these valuable concessions to what are called undesirable interests, when the people to whom they have been given are themselves undesirable? I have

often thought that whilst there is so much necessary domestic legislation for which this community has been waiting patiently for some years, why should the Attorney-General's Department always complain of lack of time and opportunity to bring such Bills into this Council, and yet be able to find time to bring legislation of this character?

Reference to section 247 of the Companies Ordinance, Chapter 187, will show that companies established outside the Colony must comply with the provisions of that Ordinance. It is a section of the Ordinance especially designed to meet these people. It states:

(2) Every company incorporated outside the colony which after the commencement of this Ordinance establishes a place of business within the colony shall, within three months after the establishment, file with the registrar—

(a) a certified copy of its charter, statute, or memorandum and articles, or other instrument declaring or defining its constitution, and, if the instrument is not written in the English language, a certified translation thereof;

(b) a list of its directors;

(c) the names and addresses of some one or more persons resident in the colony who are authorised to accept on its behalf service of process and any notices required to be served upon it; and if any alteration is made in any of the instruments, or the directorate, or the names and addresses of any of the persons, aforesaid, the company shall within three months file with the registrar a notice thereof.

When labourers employed by these companies, or merchants in Water Street have claims against such companies, some of them become defunct much too quickly. What remedy has an employee or the mercantile community against those companies? None whatever. Even the Secretary exists only in name; he is not here, and you cannot serve process on him. What is the good in encouraging companies to come here with the millions they have on paper, and giving them valuable land only, as it seems to me, to provide an opportunity for company promoting abroad? Government should examine very closely the applications put forward from time to time.

The object of this Bill is to prevent and hinder the transfer of concessions, leases and licences to undesirable interests. I suspect, and I think I have fairly good grounds for saying that I doubt very much whether the Commissioner of Lands and Mines has ever seen the prospectuses of some of these companies. We are entitled to see them. Under the provisions of the Companies Ordinance it seems to me they are limited companies; I think they are so described. This kind of thing must stop, and I would be obliged if I could be assisted in finding out whether and where I could see the prospectuses of some of these companies. I would like to examine them. I would like to see the basis on which they induce unwary people abroad to subscribe money, if it has been subscribed at all.

Therefore, for the present, I think that instead of considering it "expedient to prevent wild speculation and fraudulent operations in connection with mining claims and concessions," to quote the words of the Objects and Reasons, I think power should be taken to prevent such companies operating at all. I think it is a mistake to allow the Commissioner of Lands and Mines alone to have the power to refuse applications for transfer of these concessions. In every section of the Principal Ordinance it will be found that initially it is the Governor in Council which has the power to grant concessions which it is now sought to restrict. I say the time has arrived when these mining companies should be made to comply with the Companies Ordinance. With such companies defaulting and not being able to pay their debts, what will be the position? It will be said by people abroad that it is no use investing money in British Guiana because of what has happened to this and that company.

I suspect that the same thing is going to happen again, and I desire to warn Government and the people of the Colony that anything like company promotion here will be closely watched. Company promoters abroad must not suppose that they are dealing with an altogether ignorant community. There are some people here capable of examining prospectuses and the floatation of shares, and they know that before such companies start to operate, and even be-

fore they obtain concessions, shares are sold at a very high premium. I say that Government is behindhand in limiting the transfer of these concessions. What it ought to do is to prevent these companies from conducting operations or pretending to do so in some of those areas when, I rather suspect, some of them know that they cannot be successful.

I have said that there are people in this Colony who may be very honest and honest-minded. They, of course, have the interests of the Colony at heart, but from what I have heard—and I have heard a great deal—some effective control has to be exercised over the operations of these companies. They must be made to comply with the Companies Ordinance, and if that Ordinance requires amendment an amending Ordinance should be brought before this Council. The evil will have been done before any transfer is even asked for, and what is there to prevent companies operating without obtaining a transfer of concessions? People abroad do not want a transfer of title; they are happy without that. I hope I have not taken advantage of my position to issue this warning. I know a great deal about these things, and I have seen the like of these people before, not only here but elsewhere. I think it is time the Companies Ordinance, which has been amended in England, was amended so as to make it very difficult for companies of this kind to operate at all until a certain result has been obtained which would ensure to the shareholders some return on their money. I think every company should be subject to the same surveillance.

The pity in this Colony is that kindred legislation in Great Britain is not introduced here. We have too many laws in this Colony but the most important features of British legislation are not being introduced here. If anything like a facsimile of the English legislation on this subject were in operation here this feeble Bill would not have been necessary. In the Objects and Reasons of the Bill it appears to me that Government suspects that there is something wrong already, and it has brought forward this amending Bill which, I fear, will not achieve the object in view. My chief criticism is that it is proposed to

delegate to the Commissioner of Lands and Mines the power to examine initial proposals, and to place him in the invidious position of having to refuse transfers. Apparently he would be able to do so without even asking the permission of the Governor in Council. I would not give any individual that power.

I know of a case in which a representative of a company was an employee in the public service of this Colony in the Department of Lands and Mines. I believe it was unknown to Government, and was only disclosed afterwards. I am not imputing the slightest blame to anybody. Commissioners of Lands and Mines have been men of honour, but there is not a single individual who has held that post who would say that attempts have not been made to bribe him. I do not think Government should place the Commissioner in that position. Even if he does not succumb to that, in view of the powerful interests abroad I would not make him the sole person to decide whether a transfer should be granted. I have no objection to it, provided that power is retained by the Governor in Council, or he has to obtain the consent of the Governor.

Mr. LEE : I agree with the remarks of the hon. Member because that has been my experience. I pointed out in this Council some time ago that companies were being formed in this Colony without providing any guarantee of the wages of the people whom they employed to go into the interior, and on more than one occasion I have had to sue such companies and obtain judgment, but they were empty judgments. Those companies benefited by the results of their prospectings and left the Colony, leaving only their names.

Contrary to that of my friend, the hon. Member for New Amsterdam, I have had experience of cases in which the granting of applications for transfers of concessions was so long delayed that the applicants became disgusted and never carried through their deal. In the interest of applications for concessions for wood-cutting and timber also, I welcome the power which this Bill seeks to give the Commissioner of Lands and Mines to

facilitate such transfers, but I agree with the hon. Member for New Amsterdam that for the protection of our vast hinterland the final decision in these matters should be in the hands of the Governor in Council or the Governor. It is better to be on the safe side rather than to be in the hands of one person.

Mr. LUCKHOO: I would just like to emphasize some of the remarks made by the hon. Member for New Amsterdam (Mr. Woolford) in respect of this clause dealing with transfer. It seems to me that this power should be entrusted to the Governor in Council and not to any particular individual of Government. I quite recollect that instances have occurred where there has been a little difficulty in getting through a transfer, but at the same time I feel that the responsibility is a great one and before transferring or granting a licence for mining the Governor in Council should have a final say in the matter. The point has been raised in respect of companies established outside the Colony and registered in this Colony that there has not been sufficient compliance with the provisions of the Ordinance. That seems to be quite correct. It appears to me that before a company is permitted to carry on business in this Colony,—a company not incorporated in this Colony—there should be registration in this Colony with the necessary documents showing the names of the Directors, the objects of the company and the capital subscribed, in order that the general public could have some claim in respect of wages earned or any breach of contract on the part of the company. It has been always a difficult matter to recover from these mushroom companies which come forward and have themselves registered as companies without proper care being taken to examine the necessary documents which are required to be filed with an application for registration. That seems to be the whole trouble in that respect.

I do not know the object of this Bill but, as far as I can see, it is to give the Commissioner of Lands and Mines power to decline or refuse any transfer to such person whom he may consider undesirable. I suppose the Government has in its possession certain information on this

point, and if Government thinks there has been an abuse in this matter Government would be perfectly justified in refusing a transfer on proper grounds shown; but, as has been pointed out by the hon. Member for New Amsterdam, the initial trouble seems to lie in the fact that not sufficient care is taken in respect of the issue of these licences, and this Bill only provides for the transfer to desirable persons. Where people or a company wish a transfer in their favour, they must satisfy the Governor in Council that it is a *bona fide* transfer and it is not being done for speculation. There have been instances in this Colony where people make thousands of dollars by simply getting licences in their favour and transferring them to some other company without Government being benefited to any extent whatever. That is speculation, and I agree with the object to prevent speculation by unnecessary transfers to companies of that sort. While I do not wish our mining possibilities to remain undeveloped but rather that we should want to introduce *bona fide* investors and capitalists, they must be supported by sufficient creditable backing from outside showing the financial stability of such companies. I do not know if the procedure is still observed by Government, that in any concession applied for by any person or persons outside the Colony extreme care is taken from time to time to get a financial report from some accredited person outside the Colony in respect of such person's or persons' financial standing. The Banks are sometimes referred to, and in such a case you will have the means of ascertaining whether the person is really a *bona fide* investor or not.

Similarly in respect of the transfer of licences from one person to another, absolute care should be exercised. Unless the Governor in Council, not even the Governor, is perfectly satisfied that it is a *bona fide* transfer done in the interest of the Colony it should not be granted. You can only prevent fraud and speculation by exercising that extreme caution and care. We do not want people coming to this Colony and posing as having big financial backing but with nothing to back up their financial status. If you can get

credentials from the Banks abroad, as was done in the past when a licence, lease or grant was asked for, that would be all right. In the past they had to satisfy Government as to their financial status and to agree to submit reports from time to time, showing the money they were spending in the development of the area, before a licence was granted and issued to them. That seems a necessary precaution in the case of a licence. Likewise with a transfer care should be taken to see that it is made not with the approval of the Commissioner of Lands and Mines, as that might lead to great difficulty but rather with that of the Governor in Council, and the Commissioner of Lands and Mines summoned to attend and give his views and be examined on certain points which may be of interest in deciding the point as to whether a licence should be issued or not. If care is taken in the issue of a licence and the transfer of a licence, I would certainly support the Bill as it stands.

Mr. C. V. WIGHT : I am glad to hear the views of the two hon. Members who have spoken. My views are pretty well known to Government. I quite agree that great care should be taken. Those of us who know, who have had experience in the past, while we do not want to discourage capitalists from coming to this Colony and developing it, feel at the same time that we must be cautious and see that people do not come here, tie up the lands and do not develop them as they ought to be developed, or alternately tie them up and do the minimum of work and, who knows, give out a report adverse for the time at least to the holding of those lands, adverse to the development of those lands. As a consequence those lands will never be developed and the Colony will be materially affected on the other side in its financial position in regard to minerals. Those companies may, therefore, utilize other lands which they have elsewhere. I support the Bill. Some safeguard is necessary, and this no doubt is a safeguard. If hon. Members feel it is not as strong as it should be and it is desired that the licence should be granted or transferred by the Governor or the Governor in Council, that would be a stronger link in the chain. I, personally, am not opposed to such a suggestion. In

fact, I think, I may be inclined to support an amendment of that kind. Again I repeat the warning which has been given here and which, I feel, is necessary — a warning with which I have agreed from the very inception of the activity shown in the Colony abroad to the present. I have not hesitated to query this grant. I have never hesitated to query each and every one. I still feel that the greatest caution should be exercised. The Commissioner of Lands and Mines, we are informed, carries out a very searching enquiry into the financial status of these companies, but it may be felt that even with that there is not the same safeguard that we should receive in this Colony. I feel that a warning is necessary and, I do add, it is a warning which Government is already aware of.

The ATTORNEY-GENERAL: Your Excellency, the criticisms may be divided into two—first of all, as to the original grant of a concession, that safeguards be taken by the Government to ensure that the applications which have been received are fully scrutinized and the *bona fides* and financial standing of the applicants ascertained. As your Excellency knows, the Commissioner of Lands and Mines has been very careful in scrutinizing all applications of this nature, and has been very careful to obtain all the necessary information that he possibly can obtain in connection with the applications received. I might also tell hon. Members, as the hon. Member for Western Essequibo (Mr. C. V. Wight) has pointed out, that many of these applications have been queried and further information has been obtained as a result. So these concessions are not granted in a light-hearted or perfunctory manner.

The second point is that after the applications are granted it is desired that so far as the Colony's interest is concerned the applicants or concessionaires should carry on business in the best possible way, so that the Colony does not obtain a bad name abroad, and in fact that the interests of the Colony are preserved as far as practicable. One hon. Member has suggested that the provisions of the Companies Ordinance applicable to a company, which is carrying on business outside the Colony and

seeks to carry on business inside the Colony, should be observed. I take it, those provisions are observed, because if a company is incorporated outside the Colony and desires to carry on business in the Colony according to the provisions of the law to which he has referred—The Companies (Consolidation) Ordinance, Chapter 178—it must within three months after its establishment file with the Registrar—(a) a certified copy of its charter, statute, or memorandum of articles, or other instrument declaring or defining its constitution, and, if the instrument is not written in the English language, a certified translation thereof; (b) a list of its directors; (c) the names and addresses of some one or more persons resident in the Colony who are authorized to accept on its behalf service of process and any notices required to be served upon it. The hon. Member desires that some amendment of the Companies Ordinance be presented to this Council in order to bring it into line with the English Act so as to safeguard those who buy shares and become interested in the working of the company. So far as that is concerned, I can assure the hon. Member that it will be examined and, I hope, he will receive satisfaction in the near future.

Mr. WOOLFORD: Obligations incurred in this Colony in the management of their business—some safeguard against those people in respect of the payment of wages, workmen's compensation, and the people in Water Street.

The ATTORNEY-GENERAL: That point in addition to the other one I mentioned will be examined and, I hope that will be satisfactory. The other point with regard to the principle of the Bill which is now before this Council, relates to the provision that before a transfer can become effective the consent in writing of the Commissioner of Lands and Mines should first be had and obtained. Hon. Members consider that that is not a sufficient safeguard for the purpose, and some suggest that the final permission should be given by the Governor or Governor in Council. It will be appreciated that one of the reasons for giving this power to the Commissioner is that he has to investigate the matter and give a report either to the Governor or the Gover-

nor in Council; therefore in a refusal he would have the grounds of his decision so as to be in a position to submit them to the Governor or the Governor in Council. In a matter of this sort, it might be Crown Land or Colony Land with which the grant is concerned. Consequently I suggest that it should be left with the Governor who, I take it, would be advised by the Council on any matter on which he desires to obtain their advice. There is no objection so far as that is concerned. The application may be granted or refused by the Governor ultimately.

Those are the two main criticisms of the Bill and, I think, the principle of the Bill is approved. Indeed it is clear that hon. Members agree that it is necessary to have some machinery, or some such procedure as provided by the Bill whereby a transfer should receive the consent, whether it is of the Commissioner of Lands and Mines alone, or the Commissioner with the approval of the Governor or the Governor in Council. It is a safeguard, but it seems from the observations of hon. Members that it requires strengthening. Therefore I take it that the principle is agreed with, and that being so I ask Your Excellency to put the question.

Mr. LEE : To a point of correction I think the procedure now in the Lands and Mines Department is that you apply for a transfer and it goes up to the Governor for approval before you get it.

The ATTORNEY-GENERAL : This matter has been considered and gone into with Mr. Ray Green, the Commissioner of Lands and Mines. It became necessary because some applicant, having had his application granted and his *bona fides* gone into, may after six months say "I cannot be bothered with the interior" and may pass on his grant or licence or concession to a man whom we do not know and who may be a man of straw. Therefore there must be something to stop that transfer taking place. That is not so now. This matter has been investigated. In fact the suggestion of consultation came from the Commissioner of Lands and Mines. He asked that some such safeguard be pro-

vided. That is the reason it has come before the Council.

The PRESIDENT : I think the suggestion that the Governor should be consulted is quite acceptable by Government. I do not think it is necessary to make it the Governor in Council. If you tie it down to the Governor in Council, it means that very many papers would have to be circulated. Any Governor would consult the Governor in Council on any important matter. In my opinion you should leave it to the Governor who can take action in an emergency if he wants, instead of tying him down to have it circulated in his Council. I think it was Sir Reginald Stubbs who said that no Governor in these days makes an important decision without consulting his Council. I would leave it to the Governor. That is my own view.

Question put, and agreed to.

Bill read a second time.

The ATTORNEY-GENERAL : I suggest that the Committee stage be taken later.

Mr. GONSALVES : I would like to suggest to the hon. the Attorney-General to consider—it occurs in both clauses 2 and 3—whether it is necessary to have the last three lines—

"and any transfer of, or creation of a right, title or interest in, any licence made contrary to this subsection shall for all purposes be absolutely void."

Clause 3 seeks to make illegal any transfer which is done without the consent of the Commissioner. If that is so, the transfer would not be legal. I do not think it is necessary to say it would be void if a thing is not legal.

The ATTORNEY-GENERAL : I would point out to the hon. Member that it is to make assurance doubly sure that the clause states that any such transfer is void. Someone may be fooled that his transfer is valid. No difficulty will arise in having it mentioned that the transfer will be absolutely void.

Mr. GONSALVES : But after you say nothing that is done without the consent

of the Commissioner is legal, it is obvious that it is void. I hope that in a good many other Bills we will have some of this "sure doubly sure" business. It may be very helpful. We may have it in the Town Council Bills too.

Consideration of the Bill in Committee deferred.

SHIPS FOR T & H DEPARTMENT.

The COLONIAL SECRETARY : I beg to move the following motion standing in my name :—

"That, with reference to the Officer Administering the Government's Message No. 1 dated the 21st of May, 1946, this Council approves of the provision of £80,000 for the purchase of two ships for the Transport and Harbours Department."

This, my first contribution to the deliberations of this Council, would at least have the merit of privilege. I do not think there is much I need say in addition to the Message. I need not deal with the difficulties under which the Transport and Harbours Department has been operating. Not only was it short of ships, but the ships it has had to be put on unduly long spells of duties without the necessary periodical surveys. Indeed ships are badly and urgently needed by the Department, and in these circumstances I think Government is fortunate in obtaining ships of the type it wants, and at a very reasonable price. From a number of vessels at the disposal of the Ministry of War Transport for sale we have got two ships of the type we want. As regards the price I am happy to be able to bring, no doubt, welcome news to Members of Council. The price quoted in the Message is £40,000 each. Government has since been informed by the Crown Agents that the Ministry of War Transport has agreed to sell them to Government at £25,000 each, a very considerable reduction.

I should like with your permission to quote from a telegram from the Crown Agents which says the Ministry has now agreed to this figure but the figure is much below the cost. We are therefore getting a bargain. This is very satisfactory. I

do not think there is very much more to say except that Government has to act very quickly in this matter, because a number of tenders has been put in for these very same vessels. I beg to move the motion.

The ATTORNEY-GENERAL seconded.

Mr. C. V. WIGHT : I think this Council should express its appreciation to the Ministry of War Transport for the reduction now given.

The PRESIDENT : I would like to insert the suggestion about £50,000 instead of £80,000, the original figure in the Message, but we will have the expense of bringing the ships out. Therefore I will not recommend a reduction in the amount of money we are asking for. We may be able to purchase the ships and bring them out with the amount mentioned in the Message. I would not reduce it.

Motion put, and unanimously adopted.

LIGHTSHIP TO REPLACE BEACON

The COLONIAL SECRETARY : I beg to move the second motion standing in my name regarding the provision of funds for equipping the "Arawanna" for service as a lightship in the place of the Demerara Beacon. Here again the matter is explained quite fully in the Message. The condition of the Beacon at present is very unsatisfactory, and obviously something has to be done soon because it will be found to be even more serious later this year when there is bad weather, as is to be expected.

As explained in the Message, there is no point in trying to renew the existing structure, as you will only have the same trouble again in a relatively short time, and the best alternative seems to be to provide some lightship. We are fortunate in having a vessel available which may be converted for this purpose at a less cost than if we had to order or build a special vessel. Since the Message was prepared, I have been informed by the General Manager of the Department that the

"Arawanna" has been put on the slip, surveyed and found to be satisfactory for the purpose.

There is only one further point I should like to mention, in view of the fact that the question has been asked in the Council as to the possibility of the Beacon. I am assured by the General Manager that the possibility of the lightship will be just as good. There is not much more I have to say. I beg to move the motion—

"That, with reference to the Officer Administering the Government's Message No. 2 dated the 23rd of May, 1946, this Council approves of the provision of \$15,000 for the purpose of converting and equipping the "Arawanna" for service as a lightship."

The ATTORNEY-GENERAL seconded.

The PRESIDENT : For the information of the hon. the Fifth Nominated Member (Mr. Edun) who, I know, is interested, I would like to say that a new light will be put on the Lightship instead of on the Beacon. I think the General Manager is to be congratulated on having found a way out of this problem so economically and so quickly. He has only been here a very short time and, I think, the proposals now put forward are very sound indeed.

Motion put and unanimously adopted.

Council was adjourned until Friday, 14th June, at 2 p.m.